

Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1, 6, 10, 22-23, and 26-27 are amended and claims 29-30 are added. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and is in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 8, lines 8-22; page 9, line 14, to page 10, line 7; page 21, line 17, to page 23, line 2; page 27, line 23, to page 29, line 3), drawings (e.g., FIGS. 1, 2A1-2A2, 3-8), and claims and thus, no new matter has been added. Claims 1-30 are pending.

Oath/Declaration:

The Office Action objected to the Oath or Declaration. Attached is the Declaration and Power of Attorney executed by four of the six inventors. Two inventors, Subrahmanyam Dravida and Sanjiv Nanda, could not be located. In this regard, a Petition Under 37 C.F.R. §1.47 Filing When An Inventor Refuses To Sign Or Cannot Be Reached and an Affidavit of Laura A. Hernandez with attachments are submitted herewith.

Drawings:

The Office Action objected to the drawings because FIG. 1 did not include the reference sign “a mobile station (MS) 104”. A label “mobile station 104” has been added to FIG. 1 to overcome this omission. In addition, the substitute FIGS. 1-11 are being provided to the Official Draftsperson under separate cover. Approval and entry of the FIGS. 1-11 is respectfully requested.

Specification:

The disclosure was objected to because on page 25 of the specification a U.S. Patent Application Serial No. was missing. The specification has been amended to correctly refer to U.S. Patent Application Serial No. 09/517,911, entitled "METHOD AND SYSTEM FOR CODING INFORMATION SEQUENCES WITH UNEQUAL ERROR PROTECTION IN COMMUNICATION SYSTEMS." Withdrawal of the objection to the disclosure is therefore respectfully requested.

Claim Objections:

Claims 6 and 22 were objected to because of informalities. Claim 6 has been amended to recite "identities" rather than "identity" for proper antecedent reference. Claim 22 has been rewritten in independent form. Thus, the objected reference to claim 19 has been removed. Claim 27 has been amended to recite "an active mobile identity" rather than "a active mobile identity," as indicated by the examiner. Withdrawal of the objection to claims 6 and 22 is therefore respectfully requested.

Allowable Subject Matter:

Claims 10-18 and 22 were objected to as being dependent upon a rejected base claim, but were indicated as allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge this indication of allowability. Applicants have rewritten claims 10 and 22 in independent form including all the limitations of the base claim and any intervening claims. Claims 11-18 depend from allowable claim 10. Thus, an indication of allowance of claims 10-18 and 22 is therefore respectfully requested.

Claim Rejections - 35 U.S.C. §102:

Claims 1-3, 6-9, 19-21, and 23-24 are rejected under 35 U.S.C. §102(b) as being anticipated by Bilstrom, et al. (U.S. Patent No. 5,910,949). This rejection is respectfully, but most strenuously, traversed.

It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. Since Bilstrom, et al. is missing at least one element of each of applicants' independent claims, applicants respectfully submit that the claimed invention is not anticipated by Bilstrom, et al., as further discussed below.

Applicants respectfully submit that the applied reference, with or without modification, assuming, *arguendo*, that the modification of the applied reference is proper, does not teach or suggest one or more elements of the claimed invention, as further discussed below.

For explanatory purposes, applicants discuss herein one or more differences between the applied reference and the claimed invention with reference to one or more parts of the applied reference. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the applied reference correspond to the claimed invention.

Applicants respectfully submit that the applied reference does not teach or suggest one or more elements of the claimed invention as recited in claim 1. A careful reading of the applied reference fails to teach or suggest, for example, forming a sub-channel feedback field in the packet channel feedback field to indicate acknowledgments, and forming a sub-channel assignment field in the packet channel feedback field to indicate time slot assignments.

Applicants respectfully submit that the applied reference does not teach or suggest one or more elements of the claimed invention as recited in claim 23. A careful reading of the applied

reference fails to teach or suggest, for example, transmitting from the active mobile station a request to initiate packet data transmissions to a base station, including the active mobile identity in the request, awaiting an acknowledgment from the base station, and if a negative acknowledgment is received, waiting for an active mobile identity assignment to the active mobile station to be received from the base station.

So, Bilstrom, et al. fails to satisfy at least one of applicants' claim limitations.

Furthermore, the Office Action does not allege that the art of record provides any teaching, suggestion, or incentive for modifying Bilstrom, et al. to provide the claimed configuration. Applicants respectfully submit that these documents fail to provide the express teaching, suggestion, or incentive, and the claimed invention is thus patentable over the art of record.

Withdrawal of the §102 rejection is therefore respectfully requested.

Claim Rejections - 35 U.S.C. §103:

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bilstrom, et al. in view of Hulthen, et al. (U.S. Patent No. 6,073,016). Claims 4 and 25-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bilstrom, et al. These rejections are respectfully, but most strenuously, traversed.

Applicants respectfully submit that the applied reference does not teach or suggest one or more elements of the claimed invention as recited in claim 26. A careful reading of the applied reference fails to teach or suggest, for example, wherein the packet channel feedback field comprises a sub-channel feedback field to indicate acknowledgments, and wherein the packet channel feedback field comprises a sub-channel assignment field to indicate time slot assignments.

So, Bilstrom, et al. fails to satisfy at least one of applicants' claim limitations.

For all the above reasons, the independent claims presented herewith are believed neither anticipated nor obvious over the art of the record. The dependent claims are believed allowable for the same reasons as the independent claims, as well as for their own additional characterizations.

Withdrawal of the §103 rejections is therefore respectfully requested.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If an additional telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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